

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Broadview Networks, Inc. for a
Certificate of Public Convenience and Necessity to
Provide Resold and Facilities-Based Local Exchange
Telecommunications Services in the State of South
Carolina and for Flexible Regulation

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2009 - 452 - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda
expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

Print Form

Reset Form

ELLIS:LAWHORNE

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December 2, 2009

FILED ELECTRONICALLY

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of Broadview Networks, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange Telecommunications Services in the State of South Carolina and for Flexible Regulation
Docket No. 2009-452-C, ELS File No. 582-11679

Dear Mr. Terreni:

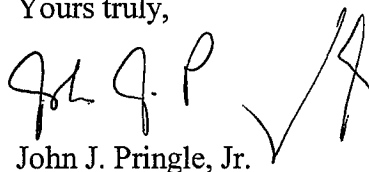
Enclosed is the **Direct Testimony of Charles C. Hunter** filed on behalf of Broadview Networks, Inc. in the above-referenced matter.

I am also requesting an extension of time (until today's date) to file this testimony. I have discussed this request with the other parties to this Docket, and they do not object. The Applicant does not object to the other parties in this Docket being given a commensurate additional amount of time to file any testimony they may offer.

By copy of this letter, I am copying all parties of record with this letter and enclose my certificate of service to that effect.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/cr

cc: Nannette S. Edwards, Esquire (via electronic mail service)
Margaret Fox, Esquire (via electronic mail service)
Mr. Charles C. Hunter (via electronic mail service)
Catherine M. Hannan, Esquire (via electronic mail service)

Enclosures

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In the Matter of the Application of)	
)	
BROADVIEW NETWORKS, INC.)	
)	Docket No. 2009-452-C
For a Certificate of Public Convenience and)	
Necessity to Provide Resold and Facilities-)	
Based Local Exchange)	
Telecommunications Services in the State of)	
South Carolina, and for Flexible Regulation)	

DIRECT TESTIMONY OF CHARLES C. HUNTER

1 **Q. PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.**

2 A. My name is Charles Hunter. I am Executive Vice President and General Counsel of
3 Broadview Networks, Inc.

4 **Q: PLEASE DESCRIBE YOUR DUTIES FOR THE COMPANY.**

5 A: As Executive Vice President, Secretary and General Counsel, I am responsible for the
6 corporate and legal affairs of the Company, including federal and state public policy
7 advocacy. In this role, I am integrally involved in all aspects of the day-to-day operation
8 of the Company, including all administrative, legal and regulatory matters.

9 **Q: PLEASE PROVIDE A BRIEF BACKGROUND ON YOUR EXPERIENCE IN**
10 **TELECOMMUNICATIONS.**

11 A: I have served as Executive Vice President, Secretary and General Counsel of Broadview
12 since 2003. I have practiced telecommunications law for more than 25 years and
13 represented competitive providers of communications services for well over a decade.

14 Prior to joining Broadview, I headed the Hunter Communications Law Group,
15 P.C., a District of Columbia-based boutique telecommunications law firm with a

1 nationwide clientele. I began my legal career as a trial attorney with the Federal
2 Maritime Commission and afterwards was a partner specializing in telecommunications
3 matters at the Chicago-based law firm of Gardner, Carton and Douglas and the District of
4 Columbia-based law firm of Herron, Burchette, Ruckert and Rothwell.

5 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

6 A. Yes, I have previously provided testimony in connection with Broadview's application
7 for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-
8 Based Interexchange Telecommunications Services in the State of South Carolina and
9 for Alternative Regulation in Docket No. 2007-413-C.

10 **Q. ARE YOU FAMILIAR WITH THE APPLICATION FILED BY BROADVIEW?**

11 A. Yes. I assisted in the preparation of the Application.

12 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

13 A. The purpose of my testimony is to describe the technical, managerial and financial fitness
14 of Broadview to provide resold and facilities-based local exchange telecommunications
15 services within the State of South Carolina. This testimony will also describe the service
16 to be provided by Broadview. Finally, my testimony will show that the public interest
17 will be served by the approval of Broadview's Application.

18 **Q. ARE ALL OF THE STATEMENTS IN BROADVIEW'S APPLICATION**
19 **CORRECT AND TRUE TO THE BEST OF YOUR KNOWLEDGE,**
20 **INFORMATION AND BELIEF?**

21 A. Yes.

22 **Q. DO YOU WISH TO INCORPORATE BY REFERENCE ANY DOCUMENTS**
23 **INTO THIS TESTIMONY?**

1 A. Yes. I wish to incorporate, by reference, Broadview's underlying Application filed in
2 this proceeding and its associated exhibits.

3 **Q. DO YOU RATIFY AND CONFIRM THE STATEMENTS AND**
4 **REPRESENTATIONS MADE IN THAT APPLICATION AND ALL EXHIBITS**
5 **THERE TO?**

6 A. Yes.

7 **Q. HAS APPLICANT REGISTERED TO DO BUSINESS IN SOUTH CAROLINA?**

8 A. Yes. Broadview received foreign corporation authority in South Carolina on September
9 6, 2007. A copy was attached as Exhibit A to the Application.

10 **Q. HAS ANYTHING OCCURRED SINCE THE INSTANT APPLICATION OF**
11 **BROADVIEW COMMUNICATIONS, INC. WAS FILED THAT MATERIALLY**
12 **CHANGES THE REPRESENTATIONS THEREIN?**

13 A. The representations made in the Application remain materially the same

14 **Q. DESCRIBE THE AUTHORITY THAT BROADVIEW SEEKS BY ITS**
15 **APPLICATION.**

16 A. Broadview seeks authority to provide all forms of local telecommunications services to
17 the public on a resale basis and via its own facilities and/or those of affiliated entities or
18 underlying Local Exchange Carriers. The proposed services shall include, but not be
19 limited to Broadband, Internet, and VOIP services.

20 **Q. DOES BROADVIEW PROPOSE TO OFFER TELECOMMUNICATIONS**
21 **SERVICES TO BOTH RESIDENTIAL AND BUSINESS/COMMERCIAL**
22 **CUSTOMERS?**

23 A. Yes.

1 **Q. DO THE PRINCIPALS AND EMPLOYEES OF BROADVIEW HAVE**
2 **PREVIOUS TELECOMMUNICATIONS EXPERIENCE?**

3 A. Yes. As described in Exhibit E of the Application, the officers and senior management of
4 Broadview have considerable previous telecommunications experience.

5 **Q. WILL BROADVIEW HAVE ITS OWN SWITCHING EQUIPMENT?**

6 A. As an initial matter, Broadview will not be installing any facilities other than equipment
7 to be installed in existing buildings or structures for the purpose of providing local
8 exchange services in South Carolina. While this equipment may include switches, the
9 location of these switches has yet to be determined and will be developed by Broadview
10 as it progresses in its interconnection agreement discussions.

11 **Q. PLEASE DESCRIBE BROADVIEW'S FINANCIAL QUALIFICATIONS TO**
12 **PROVIDE TELECOMMUNICATIONS SERVICES IN SOUTH CAROLINA.**

13 A. As demonstrated by the financial statements attached as Exhibit D to Broadview's
14 Application, the Company has the financial resources necessary to provide reliable local
15 exchange telecommunications services to residents of the State of South Carolina.

16 **Q. HOW DOES APPLICANT BILL FOR ITS SERVICES?**

17 A. Broadview will bill customers directly.

18 **Q. HOW ARE TROUBLE REPORTS AND CUSTOMER COMPLAINTS**
19 **HANDLED?**

20 A. Broadview Customer Care representatives and 24-hour automated customer assistance
21 allow customers to bring service, billing and repair questions or complaints to the
22 Company's attention 24 hours a day, 7 days a week. Customers may access Broadview
23 Customer Care toll-free at (800) 276-2384 to initiate service complaints or to receive

1 updates on reported problems or pending customer service complaints. Customers may
2 also contact Broadview Customer Care 24 hours a day via the company's website,
3 www.broadviewnet.com. Inquiries regarding service or billing may also be made in
4 writing. The Company's tariff, which will be available on the website, advises customers
5 that they have the right to contact the Illinois Commerce Commission for resolution of
6 customer service and billing issues and provides the address and toll-free telephone
7 number of the Commission.

8 **Q. DOES BROADVIEW HAVE OFFICES IN SOUTH CAROLINA?**

9 A. No, Broadview does not intend to have offices in South Carolina at this time.
10 Accordingly, Broadview requests, pursuant to Rule 103-610, that the Commission allow
11 it to keep all applicable books and records at its offices in New York. In the event that
12 the Commission or ORS should desire to inspect such books and records, Broadview will
13 provide access expeditiously at its own expense.

14 **Q. DOES BROADVIEW INTEND TO FILE AN OPERATING AREA MAP WITH**
15 **THE COMMISSION?**

16 A. No. Because Broadview will operate within the existing service areas of the existing
17 incumbent local exchange carriers, Broadview requests that it not be required to create
18 and file any such operating area map as required by Commission Rule.

19 **Q. HOW WILL BROADVIEW MARKET ITS SERVICES?**

20 A. Broadview will market its services through a direct sales team. Broadview will not
21 engage in any telemarketing activities.

22 **Q. HAS BROADVIEW OBTAINED AUTHORITY TO PROVIDE ITS SERVICES IN**
23 **ANY OTHER STATES?**

1 A. Yes. Broadview Networks, Inc. is presently authorized by the Federal Communications
2 Commission to provide interstate domestic and international telecommunications services
3 pursuant to Section 214 of the Communications Act of 1934, as amended. Broadview is
4 also certified, or otherwise authorized to provide interexchange long distance
5 telecommunications services throughout the contiguous United States. Additionally,
6 Broadview has authority to provide local exchange telecommunications services in
7 California, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Maine,
8 Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Nevada, New York,
9 Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia
10 and Washington. Additionally, Broadview will be filing in the very near future
11 applications for local exchange telecommunications service authority in all states in the
12 contiguous United States where the Company does not possess such authority.

13 **Q. PLEASE DESCRIBE THE PROPOSED TARIFF FILED BY BROADVIEW.**

14 A. Broadview filed as Exhibit F to the Application its proposed local exchange services
15 tariff. That tariff contains the applicable rules and regulations for the provision of such
16 services. I believe that Broadview's tariff will comport with all applicable Commission
17 Rules and Orders, and Broadview agrees to make all changes suggested by the ORS that
18 may be necessary to comply with applicable authority.

19 **Q. WILL BROADVIEW PROVIDE ANY EQUIPMENT OR FACILITIES IN**
20 **CONNECTION WITH ITS SERVICES?**

21 A. No.

Q. WHO IS KNOWLEDGEABLE ABOUT BROADVIEW'S OPERATIONS AND WILL SERVE AS THE COMMISSION'S/ORS'S REGULATORY AND CUSTOMER SERVICE CONTACT?

A. All ongoing compliance matters should be directed by my attention. Customer complaint and billing matters should be directed to Art Gairo, Senior Vice President, 2100 Renaissance Boulevard, King of Prussia, PA 19406, telephone, (610) 755-4182, facsimile (267) 537-0074, e-mail agairo@broadviewnet.com.

Q. WHAT REGULATORY TREATMENT HAS BROADVIEW SOUGHT IN CONNECTION WITH THIS DOCKET?

A. Broadview requests flexible regulation for its local exchange telecommunications services as the Commission first granted in Order No. 98-165 in Docket No. 97-467-C.

Q: WILL THE COMPANY FILE ALL APPLICABLE REPORTS AS REQUIRED BY THE COMMISSION?

A: Yes. The Company is aware of the Commission's requirements that all telecommunications carriers file a report on South Carolina operations, a gross receipts report, and a universal service contribution report on an annual basis.

Q: WILL THE SERVICES PROVIDED BY BROADVIEW MEET THE SERVICE STANDARDS THAT THE COMMISSION HAS ADOPTED OR MAY ADOPT?

A: Yes.

Q: CAN BROADVIEW ASSURE THE COMMISSION THAT ITS PROVISION OF SERVICE WILL NOT ADVERSELY AFFECT THE AVAILABILITY OF AFFORDABLE LOCAL EXCHANGE SERVICE?

1 A: Yes.

2 Q: WILL BROADVIEW, TO THE EXTENT THAT IT MAY BE REQUIRED TO DO
3 SO BY THE COMMISSION, PARTICIPATE IN THE SUPPORT OF
4 UNIVERSALLY AVAILABLE TELEPHONE SERVICE AT AFFORDABLE
5 RATES?

6 A: Yes.

7 Q: WILL BROADVIEW'S PROVISION OF LOCAL EXCHANGE SERVICE
8 OTHERWISE IMPACT THE PUBLIC INTEREST?

9 A: A decision by the Commission to grant Broadview authority to provide local exchange
10 telecommunications service is in the public interest. The public interest will be served by
11 expanding the availability of competitive telecommunications services and enhanced
12 telecommunications infrastructure in the State of South Carolina, thereby facilitating
13 economic development. Authorizing Broadview to enter the local telecommunications
14 services market will increase the competitive choices available, and in turn create
15 incentives for all carriers to lower prices, provide new and better quality services, and
16 be more responsive to customer issues and demands.

17 Q. WILL BROADVIEW COMPLY WITH ALL OF THE APPLICABLE RULES,
18 REGULATIONS AND ORDERS OF THE COMMISSION?

19 A. Yes.

20 Q. DOES THIS COMPLETE YOUR TESTIMONY?

21 A. Yes.

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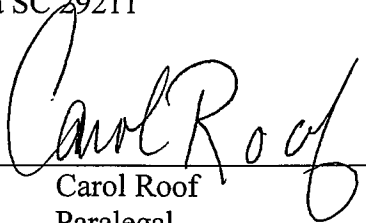
This is to certify that I have caused to be served this day, one (1) copy of the **Direct Testimony of Charles C. Hunter** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC MAIL SERVICE

Nanette S. Edwards, Esquire
Office of Regulatory Staff
Legal Department
PO Box 11263
Columbia SC 29211

VIA ELECTRONIC MAIL SERVICE

Margaret Fox, Esquire
McNair Law Firm, PA
PO Box 11390
Columbia SC 29211



Carol Roof
Paralegal

December 2, 2009
Columbia, South Carolina